

OCT 28 2004



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October 28, 2004

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FAX

| RECIPIENT/ PHONE NO. | FAX NO. | COMPANY/ CITY, STATE, COUNTRY |
|--|--------------|---|
| Centralized Fax Dept. GAU 2177 Examiner John E. Breene | 703.872.9306 | U.S. Patent and Trademark Office Alexandria, VA 22313-1450 |

Brenda O. Holmes

FROM

7

PAGES (WITH COVER)

6559

REFERENCE NO

W2100/280782

CLIENT/MATTER NO.

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COMMENTS

Applicant:

Tonia LEE, et al.

Title:

System and Method for Maintaining an Association
Between a Distribution Device and a Shared End User
Characteristic

Serial No./Docket No.:

10/677,925

W2100/280782

PAPERS SUBMITTED:

1. PTOSB/21 – Transmittal form;
2. PTO/SB/17 – Fee Transmittal for FY2005;
3. Petition to Make Special for Invention Which Materially Contributes to the Conservation of Energy and to Countering Terrorism; and
4. Statement in Support of Petition to Make Special.

Date: October 28, 2004

By: Brenda O. Holmes, Reg. No. 40,339

TO BE COMPLETED BY KS OPERATIONS CENTER

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JOB CODE 20054

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | |
|---|------------------------|------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/677,925 |
| | Filing Date | 10/01/2003 |
| | First Named Inventor | Tonia LEE et al. |
| | Art Unit | 2177 |
| | Examiner Name | John E. Breene |
| Total Number of Pages in This Submission | Attorney Docket Number | W2100/280782 |

| ENCLOSURES (Check all that apply) | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Statement in Support of Petition to Make Special. |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|-------------------------|----------|--------|
| Firm Name | KILPATRICK STOCKTON LLP | | |
| Signature | <i>Brenda O. Holmes</i> | | |
| Printed name | Brenda O. Holmes | | |
| Date | 10.28.2004 | Reg. No. | 40,339 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
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| Signature | <i>Janie Wilkins</i> | | |
| Typed or printed name | Janie Wilkins | Date | 10/28/04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04)

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FEE TRANSMITTAL
for FY 2005

Effective 10/01/2004, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 0)

Complete if Known

| | |
|----------------------|------------------|
| Application Number | 10/677,925 |
| Filing Date | 10/01/2003 |
| First Named Inventor | Tonia LEE et al. |
| Examiner Name | John E. Breene |
| Art Unit | 2177 |
| Attorney Docket No. | W2100/280782 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

11-0855

KILPATRICK STOCKTON LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 790 | 2001 | 395 | Utility filing fee | |
| 1002 | 350 | 2002 | 175 | Design filing fee | |
| 1003 | 550 | 2003 | 275 | Plant filing fee | |
| 1004 | 790 | 2004 | 395 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | (\$) | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | | | | | | | | | |
|--------------------|--|---|--------------|--|---|----------------|--|---|----------|--|
| Total Claims | | - | Extra Claims | | X | Fee from below | | = | Fee Paid | |
| Independent Claims | | - | | | X | | | = | | |
| Multiple Dependent | | - | | | | | | = | | |

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 88 | 2201 | 44 | Independent claims in excess of 3 | |
| 1203 | 300 | 2203 | 150 | Multiple dependent claim, if not paid | |
| 1204 | 88 | 2204 | 44 | ** Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | | (\$) | 0 |

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 430 | 2252 | 215 | Extension for reply within second month | |
| 1253 | 980 | 2253 | 490 | Extension for reply within third month | |
| 1254 | 1,530 | 2254 | 765 | Extension for reply within fourth month | |
| 1255 | 2,080 | 2255 | 1,040 | Extension for reply within fifth month | |
| 1401 | 340 | 2401 | 170 | Notice of Appeal | |
| 1402 | 340 | 2402 | 170 | Filing a brief in support of an appeal | |
| 1403 | 300 | 2403 | 150 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,370 | 2501 | 685 | Utility issue fee (or reissue) | |
| 1502 | 490 | 2502 | 245 | Design issue fee | |
| 1503 | 660 | 2503 | 330 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)**SUBMITTED BY**

| | | | | | |
|-------------------|-------------------------|-----------------------------------|------------|-----------|--------------|
| Name (Print/Type) | Brenda O. Holmes | Registration No. (Attorney/Agent) | 40,339 | Telephone | 404.815.6500 |
| Signature | <i>Brenda O. Holmes</i> | Date | 10-28-2004 | | |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTS

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OCT 28 2004

In re Application of:

Tonia LEE, *et al.*

Serial No.: 10/677,925

Filed: October 1, 2003

For: **SYSTEM AND METHOD FOR
MAINTAINING AN ASSOCIATION
BETWEEN A DISTRIBUTION DEVICE
AND A SHARED END USER
CHARACTERISTIC**MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231301459

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872.9306 on October 28, 2004

Janie Wilkins
Janie Wilkins

**PETITION TO MAKE SPECIAL FOR INVENTION WHICH MATERIALLY
CONTRIBUTES TO THE CONSERVATION OF ENERGY AND TO COUNTERING
TERRORISM****(37 C.F.R. § 1.102 AND M.P.E.P. § 708.02(VII) AND M.P.E.P. § 708.02(XI))**

Sir:

The undersigned hereby petitions to make this application special because the invention disclosed therein materially contributes to the conservation of energy and to counter terrorism.

Enclosed with this Petition is a Statement in Support of Petition to Make Special by one of the inventors.

If the Petition is granted on the grounds that it materially contributes to the conservation of energy, then no fee is due. If the Petition is granted on the grounds that it is an invention for countering terrorism, then a \$130 fee is due. Accordingly, if the Petition is granted

Attorney Docket No. W2100/287621
Petition to Make Special
Appln No. 10/750,307
Page 2

on the grounds that it is an invention for countering terrorism, please charge the fee required for this Petition to Deposit Account No. 11-0855.

Respectfully submitted,



Brenda Holmes
Reg. No. 40,339

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530
(404) 685-6799
Attorney Docket: (W2100/280782)

PATENTS

In re Application of:

Tonia LEE, *et al.*

Serial No.: 10/677,925

Filed: October 1, 2003

For: **SYSTEM AND METHOD FOR
MAINTAINING AN ASSOCIATION
BETWEEN A DISTRIBUTION DEVICE
AND A SHARED END USER
CHARACTERISTIC**

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 2231301459

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OCT 28 2004

STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL

Sir:

I, Tonia Lee, am an inventor of the above-identified application, and I hereby state the following:

1. The invention disclosed in the above-identified application materially contributes to the conservation of energy and is effective in countering terrorism.
2. The present invention maintains an association between a distribution device and one or more characteristics shared by the end users served by the distribution device. In this way, the present invention enables the delivery of relevant, targeted programming to the end users.
3. If expected weather conditions will place an unusually high demand on energy resources, then residents in the areas likely to be affected can be notified to conform

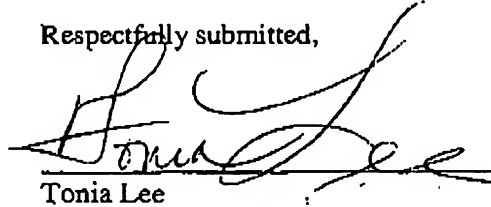
ATLJ J001 1340701 1

*Statement of Facts in Support of
Petition to Make Special
Appln No. 10/750,307
Page 2*

their energy usage to recommended guidelines to prevent black outs or brown outs. In this way, the present invention assists in the efficient utilization and conservation of energy resources. M.P.E.P. § 708.02(VII).

4. In addition, the invention supports the delivery of information based on the location of the end users. If terrorist activities are directed towards a particular area, then residents located in that area can be alerted with customized warnings. The warnings can include evacuation plans or other safety recommendations to eliminate or reduce the impact of the terrorist threat. In this way, the present invention assists in the effort to counter terrorism. M.P.E.P. § 708.02(XI).

Respectfully submitted,



Tonia Lee

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Atty. Docket No: W2100/280782

ATLLJ1801 11/4/00.1